

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4789

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO ROSALES-VACA,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Henry F. Floyd, District Judge.
(8:09-cr-00268-HFF-1)

Submitted: February 4, 2011

Decided: March 14, 2011

Before NIEMEYER, DAVIS, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles T. Brooks, III, THE BROOKS LAW OFFICES, LLC, Sumter,
South Carolina, for Appellant. William Jacob Watkins, Jr.,
OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Rosales-Vaca pled guilty to illegal reentry after deportation for an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(1) (2006). He was sentenced to forty-one months' imprisonment. Rosales-Vaca's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting, in his opinion, there are no meritorious grounds for appeal, but generally questioning whether Rosales-Vaca's guilty plea was knowing and voluntary. Rosales-Vaca was notified of his right to file a pro se supplemental brief but has not done so. The Government declined to file a response. Finding no reversible error, we affirm.

Because Rosales-Vaca did not move in the district court to withdraw his guilty plea, we review the Fed. R. Crim. P. 11 hearing for plain error. United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). "To establish plain error, [Rosales-Vaca] must show that an error occurred, that the error was plain, and that the error affected his substantial rights." United States v. Muhammad, 478 F.3d 247, 249 (4th Cir. 2007). Our review of the record leads us to conclude that the district court fully complied with Rule 11, and that Rosales-Vaca's guilty plea was knowing and voluntary, and supported by an independent factual basis.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Rosales-Vaca, in writing, of his right to petition the Supreme Court of the United States for further review. If Rosales-Vaca requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Rosales-Vaca. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED